IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 696 of 2007()

(CRIME NO.103/2003 OF POOVA POLICE STATION WHICH IS PENDING BEFORE JFMC-I , NEYYATTINKARA.

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PETITIONER/ACCUSED (A2)

BIJU, AGED 25, S/O. PONNAYYAN,
DHARBHANINNA PUTHEN VEETTIL,
THIRUPURATHOOR DESOM, THIRUPURAM VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENT:

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 696 OF 2007 B

Dated this the 7th day of February, 2007

O R D E R

The petitioner, who is the 2nd accused in Crime No.103/2003 of Poovar Police Station for an offence punishable under Section 27(1) of the Arms Act, 1959, seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the police had recovered an unlicensed revolver and live catridges from the first accused in the case and the revolver is alleged to have been given to him by the petitioner.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and recovery of incriminating materials, if any, and, thereafter, to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 8.2.2007 and 13.2.2007 for the purpose of custodial

interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced on the same day before the Magistrate concerned, who shall release him on bail on appropriate conditions. It is needless to say that this is without prejudice to the right of the Investigating Officer to seek police custody of the petitioner.

The bail application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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